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9 Attorneys for Plaintiffs
10 Gabriel Hilario Alcaraz Martinez,
11 Christian Fidal Arechiga Torres and
12 Ramon Alejandro Hernandez Garcia

13

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 GABRIEL HILARIO ALCARAZ) Case No. C-06-1595-CRB
18 MARTINEZ, CHRISTIAN FIDAL)
19 ARECHIGA TORRES and)
20 RAMON ALEJANDRO)
21 HERNANDEZ GARCIA,)
22 Plaintiffs,)
23 vs.)
24 THOMAS F. WHITE,) Date: September 29, 2006
25) Time: 10:00 a.m.
26) Courtroom: 8, 19th Floor
27 Defendant.)
28

29 **DECLARATION OF DAVID REPLOGLE**
30 **IN OPPOSITION TO MOTION TO QUASH**
31 **SERVICE OF SUMMONS AND COMPLAINT**

32 I, David Replogle, declare and state:

33 1. I am an attorney licensed to practice before all courts of the State
34 of California, a member of the bar of this court and the sole shareholder of the Law
35 Offices of David Replogle, a Professional Corporation, attorneys for plaintiffs in
36 the within action. The following facts are known to me personally

and if called as a witness I could, and would, testify competently thereto.

2. I was present on July 24, 2006 when the court's docket clerk caused to be dispatched to the defendant a copy of the summons and complaint in this matter addressed as follows:

Thomas F. White
Centro Integral de Justicia Costa Norte
Km. 6.5 Ixtapa Carretera a Las Palmas
Ixtapa, Jalisco
MEXICO 48280.

3. A copy of the proof of service filed herein on July 24, 2006 is attached hereto, marked Exhibit "A" and incorporated herein.

10 4. The summons and complaint were dispatched by the clerk
11 registered mail, requiring a signed receipt, addressed to defendant as set forth in
12 paragraph 2 above.

13 5. According to the court records, the court has, in fact, received
14 back the return receipt from Puerto Vallarta. A copy of the return receipt on file
15 with the court is attached hereto, marked Exhibit "B" and incorporated herein.

16 I declare under penalty of perjury under the laws of the State of
17 California and the United States of America that the foregoing is true and correct,
18 except as to matters stated on information and belief, and as to those matters I
19 believe it to be true.

20 Executed on September 11, 2006 at San Francisco, California.

/s/ David Replogle

DAVID REPLOGLE

EXHIBIT A

FILED

JUL 24 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID REPLOGLE, SBN 077875
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12 GABRIEL HILARIO ALCARAZ)
13 MARTINEZ, CHRISTIAN FIDAL)
14 ARECHIGA TORRES and RAMON)
15 ALEJANDRO HERNANDEZ GARCIA,)
16 Plaintiffs,)
17 vs.)
18 THOMAS F. WHITE,)
19 Defendant.)

CERTIFICATE OF SERVICE OF SUMMONS AND COMPLAINT

PURSUANT TO FRCP RULE 4(f)(2)(C)(ii)

I declare under penalty of perjury that the foregoing is true and correct:

22 1. I am a citizen of the United States over the age of eighteen years, employed
23 in the City and County of San Francisco, California, and not a party to the within entitled
24 cause; I am the civil docket clerk to the Honorable Charles R. Breyer, United States District
25 Judge; my business address is 450 Golden Gate Avenue, San Francisco, California.

26 2. On July 24, 2006, I caused a copy of the Summons, Complaint and Order
27 Setting Initial Case Management Conference and ADR Deadlines to be dispatched through the

CERTIFICATE OF SERVICE

MARTINEZ, ET AL. VS. WHITE, CASE NUMBER C-06-1595-CRB

1 United States Postal Service to Defendant Thomas F. White by placing a true copy thereof
2 enclosed in a sealed envelope with postage thereon fully prepaid, registered and requiring a
3 signed receipt addressed as follows:

4 THOMAS F. WHITE
5 Centro Integral de Justicia Costa Norte
6 Km. 6.5 Ixtapa carretera a las Palmas
Ixtapa, Jalisco
48280 MEXICO

7 I declare under penalty of perjury under the laws of the United States of
8 America that the foregoing information contained in this Certificate of Service of Summons
9 and Complaint is true and correct.

10 Executed on July 24, 2006 at San Francisco, California.



MARIA LOO

Registered No.		RA725962763US	Date Stamp
To Be Completed By Post Office	Reg. Fee	\$7.90	
	Handling Charge	\$0.00	Return Receipt \$1.80
	Postage	\$2.60	Restricted Delivery \$0.10
Received by <i>[Signature]</i>			
Customer Must Declare Full Value \$		\$0.00	<input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance
Domestic indemnity up to \$25,000 is included in the fee. International indemnity is limited. (See Reverse).			
OFFICIAL USE <i>06-1595-CRB</i>			
To Be Completed By Customer (Please Print) All Entries Must Be In Ballpoint or Typed	FROM	Clerk, United States District Court	
		Northern District of California 450 ¹⁰² Golden Gate Ave. San Francisco, CA 94102	
TO	THOMAS F. WHITE		
	Centro Integral de Justicia Costa Norte Km. 1.5 Ixtapa carretera a Las Palmas IXTAPA, JALISCO 48280 MEXICO		

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
 May 2004 (7530-02-000-9051) (See Information on Reverse)
 For domestic delivery information, visit our website at www.usps.com ®

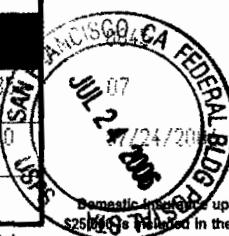


EXHIBIT B

 UNITED STATES POSTAL SERVICE CASE # C-6-1595-CR	Return Receipt for International Mail <i>(Request for International Registered Delivery, Express Mail)</i>	
	<i>Administration des Postes des Etats-Unis d'Amérique</i>	<i>Administration du bureau des Postes et Télécommunications du Canada</i>
<i>Par Avion</i> <i>4030</i>		
<i>Return by the quickest route (air or surface mail), a decorated and postage free.</i>		
The sender completes and indicates the address of the return mail recipient. <i>A renvoyer par l'expéditeur, qui indique la destination du courrier de retour avec :</i>		
Name or Firm (Nom ou raison sociale) CLERK, UNITED STATES DISTRICT COURT		
Street and Number (Rue et no.) NORTHERN DISTRICT OF CALIFORNIA		
City, State and ZIP + 4 (Ville, état et code postal) 450 GOLDEN GATE AVENUE SAN FRANCISCO, CA 94102		
UNITED STATES OF AMERICA Etats-Unis d'Amérique		
PS Form 2805, February 1974 ANS DE RECEPTION		
CN07 (C6-C6)		

Complaint by the sender of article (Avertissement à l'expéditeur)	Item Description <input checked="" type="checkbox"/> Registered (Nature de l'article) <input checked="" type="checkbox"/> Article d'Envoi <input type="checkbox"/> Letter <input type="checkbox"/> Printed recommandé) <input type="checkbox"/> (Lettre) <input type="checkbox"/> (Imprimé) <input type="checkbox"/> Other <input type="checkbox"/> (Autre) <input type="checkbox"/> Recorded Delivery <input type="checkbox"/> Express <input type="checkbox"/> Insured Parcel <input type="checkbox"/> Insured Value (Value déclarée) Article Number / V. 11259624765 <input type="checkbox"/> (Colis avec valeur déclarée) <input type="checkbox"/> Date of Posting (Date de dépôt) C-06-1596-CRB Office of Mailing (Bureau de dépôt) SFCA 94101 					
	7-24-06 Addressee Name or Firm (Nom ou raison sociale du destinataire) THOMAS F. WHITE Street and No. (Rue et No.) Centro Integral de Justicia Costa Norte Km. 6.5 Ixtapa carretera a Las Palmas Place and County (Lieu et nom de pays) IXTAPA, JALISCO MEXICO 48280					
Complaint at destination (Avertissement à destination)	The recipient must be signed by: (1) the addressee, or (2) a person authorized to sign under the regulation of the country of destination, or (3) a person authorized to sign by the addressee or the agent of destination. This signed form will be returned to the sender by the forwarder. (Le destinataire doit signer: (1) le destinataire, ou (2) une personne autorisée à signer conformément aux règlements du pays de destination, ou (3) une personne autorisée à signer par le destinataire ou l'agent du destinataire. Ce document signé sera renvoyé au expéditeur par le forwarder.) <input type="checkbox"/> The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été délivré.) Date:  Signature of Addressee (Signature du destinataire)  Office of Despatcher (Bureau du destinataire) (Signature de l'agent du bureau du destinataire) 					

PS Form 2865, February 1997 (Reverse)

PROOF OF ELECTRONIC SERVICE

I declare under penalty of perjury that the foregoing is true and correct:

I am a citizen of the United States over the age of eighteen years, employed in the City and County of San Francisco, California, and not a party to the within entitled cause; my business address is 550 Montgomery Street, Suite 550, San Francisco, California.

On September 11, 2006 I served the following:

**DECLARATION OF DAVID REPLOGLE IN OPPOSITION TO MOTION
TO QUASH SERVICE OF SUMMONS AND COMPLAINT**

on the interested party(ies) in said cause, by causing an electronic delivery subject to 28 U.S.C. § 1746, Local Rules or General Orders of this Court regarding Electronic Case Filing addressed as follows:

Geoffrey Rotwein
400 Montgomery St., Ste. 200
San Francisco, CA 94104
E-mail: geoffrottwein@sbcglobal.net

Attorneys for Defendant
Thomas F. White

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on September 11, 2006 at San Francisco, California.

David Replogle

DAVID REPLOGLE